

ENTERED

August 18, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

JOSEPH HUERTA,	§	
	§	
VS.	§	3:19-cv-00213
	§	
PHILLIPS 66 COMPANY.	§	

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**


On February 23, 2021, all dispositive and non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A)–(B). *See* Dkt. 31. Judge Edison filed a memorandum and recommendation on July 29, 2021, recommending that Defendant Phillips 66 Company's Motion for Summary Judgment (Dkt. 23) be granted and this case dismissed. *See* Dkt. 34.

No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record. Accordingly:

- (1) Judge Edison's memorandum and recommendation (Dkt. 34) is approved and adopted in its entirety as the holding of the court;
- (2) Defendant Phillips 66 Company's Motion for Summary Judgment (Dkt. 23) is granted; and
- (3) This case is dismissed with prejudice. A final judgment will be separately entered.

Signed on Galveston Island this 18th day of August 2021.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE